

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Lance Middleton

Application No.: Not Yet Assigned

Group Art Unit: N/A

Filed: Herewith

Examiner: Not Yet Assigned

For: ARTIFICIAL INTERVERTEBRAL DISC

MS Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

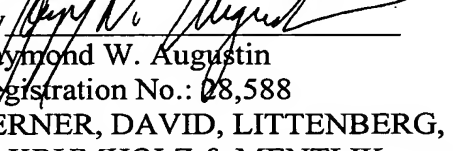
Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of each reference was of record in Application No. 09/821,876, the benefit of which is claimed under §120. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: September 26, 2003

Respectfully submitted,

By   
Raymond W. Augustin  
Registration No.: 08,588  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

Express Mail Label No. EV 342607642 US Dated: September 26, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE  STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Lance Middleton
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	SPINE 3.0-2144 DIV II

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-4,349,921	09-21-1982	Kuntz	
	AB	US-4,863,477	09-05-1989	Monson	
	AC	US-4,874,389	10-17-1989	Downey	
	AD	US-4,911,718	03-27-1990	Lee et al.	
	AE	US-4,932,975	06-12-1990	Main et al.	
	AF	US-4,997,432	03-05-1991	Keller	
	AG	US-5,035,716	06-30-1991	Downey	
	AH	US-5,258,031	11-02-1993	Salib et al.	
	AI	US-5,458,638	10-17-1995	Kuslich et al.	
	AJ	US-5,507,016	04-09-1996	Okuhara	
	AK	US-5,645,598	07-08-1997	Brosnahan III	
	AL	US-5,674,294	10-07-1997	Bainville et al.	
	AM	US-5,702,449	12-30-1997	McKay	
	AN	US-5,702,450	12-30-1997	Bisserie	
	AO	US-5,755,798	05-26-1998	Papavero et al.	
	AP	US-5,824,094	10-20-1998	Serhan et al.	
	AQ	US-5,888,227	03-30-1999	Cottle	
	AR	US-4,309,777	01-12-1982	Patil	
	AS	US-4,714,469	12-22-1987	Kenna	
	AT	US-4,759,769	07-26-1988	Hedman et al.	
	AU	US-5,108,438	04-28-1992	Stone	
	AV	US-5,123,926	06-23-1992	Pisharodi	
	AW	US-5,147,404	09-15-1992	Downey	
	AX	US-5,171,278	12-15-1992	Pisharodi	
	AY	US-5,171,280	12-15-1992	Baumgartner	
	AZ	US-5,171,281	12-15-1992	Parsons et al.	
	AA1	US-5,306,308	04-26-1994	Gross et al.	
	AB1	US-5,306,309	04-26-1994	Wagner et al.	
	AC1	US-5,306,310	04-26-1994	Seibels	
	AD1	US-5,320,644	06-14-1994	Baumgartner	
	AE1	US-5,423,816	06-13-1995	Lin	
	AF1	US-5,423,817	06-13-1995	Lin	
	AG1	US-5,458,642	10-17-1995	Beer et al.	
	AH1	US-5,514,180	05-07-1996	Heggeness et al.	
	AI1	US-5,192,327	03-09-1993	Brantigan	
	AJ1	US-5,314,478	05-24-1994	Oka et al.	
	AK1	US-5,676,792	10-14-1997	Ratron	
	AL1	US-6,375,655	04-23-2002	Zdeblick et al.	
	AM1	US-6,296,664	10-02-2001	Middleton	
	AN1	US-6,086,613	07-11-2000	Camino et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			
	BA	RU-2 004 218	02-15-1991		
Examiner Signature				Date Considered	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	Not Yet Assigned
				Filing Date	Concurrently Herewith
				First Named Inventor	Lance Middleton
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	SPINE 3.0-2144 DIV II

	BB	EP-0 346 269	01-06-1989		
	BC	DE-P 36 20 549.4	10-06-1986		
	BD	WO-94/23671	10-27-1994		
	BE	DE-42 20 218.3	12-23-1993		
	BF	FR-2 124 815	09-22-1972		
	BG	WO-87/07827	12-20-1987		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--